



UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2022 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW JOHNSON,  
aka "East," and  
ANDREA RESHIONE REYES,

Defendants.

CR 2:22-cr-00294 -ODW

I N D I C T M E N T

[18 U.S.C. § 371: Conspiracy;  
18 U.S.C. § 922(a)(1)(A): Engaging  
in the Business of Dealing in  
Firearms Without a License;  
18 U.S.C. § 922(g)(1): Felon in  
Possession of Firearms and  
Ammunition; 26 U.S.C. § 5861(d):  
Possession of Unregistered  
Firearms; 18 U.S.C. § 922(o):  
Possession of Machineguns;  
18 U.S.C. § 924, 28 U.S.C.  
§ 2461(c): Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 371]

[ALL DEFENDANTS]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

1. Defendant MATTHEW JOHNSON, also known as "East," resided in  
Los Angeles, California, within the Central District of California.

1 Defendant ANDREA RESHIONE REYES resided within the District of  
2 Nevada.

3 2. The ATF required all federally-licensed firearms dealers  
4 ("FFLs") to document firearms sales and purchases on an ATF Form 4473  
5 Firearms Transaction Record ("Form 4473"), a form that was completed  
6 by the FFL and the firearm purchaser.

7 3. At the time the purchaser submitted an application to  
8 purchase a firearm, the purchaser was required to certify on the Form  
9 4473 that he or she was the "actual buyer" of the firearm. The Form  
10 4473 advised that: "You are not the actual buyer if you are acquiring  
11 the firearm(s) on behalf of another person."

12 B. OBJECT OF THE CONSPIRACY

13 4. Beginning on a date unknown, but not later than on or about  
14 May 2, 2022, and continuing until a date unknown but not earlier than  
15 on or about May 25, 2022, in Los Angeles County, within the Central  
16 District of California, and elsewhere, defendants JOHNSON and REYES  
17 conspired with others known and unknown to the Grand Jury to commit  
18 an offense against the United States, namely, to knowingly make false  
19 statements in the acquisition of firearms, in violation of Title 18,  
20 United States Code, Section 922(a)(6).

21 C. THE MANNER AND MEANS OF THE CONSPIRACY

22 5. The object of the conspiracy was to be accomplished, in  
23 substance, as follows:

24 a. Defendant JOHNSON would direct defendant REYES to  
25 obtain firearms for defendant JOHNSON from FFLs in Nevada.

26 b. Defendant REYES would purchase firearms from FFLs in  
27 Nevada and would execute and return to the FFLs Form 4473s falsely  
28

1 stating that defendant REYES was the actual buyer of the firearms,  
2 rather than defendant JOHNSON who was, in fact, the actual buyer.

3 c. Defendant REYES would take possession of the firearms  
4 and then transfer them to defendant JOHNSON.

5 D. OVERT ACTS

6 6. On or about the following dates, in furtherance of the  
7 conspiracy and to accomplish its object, defendants JOHNSON and  
8 REYES, and others known and unknown to the Grand Jury, committed  
9 various overt acts within the Central District of California, and  
10 elsewhere, including, but not limited to, the following:

11 Overt Act No. 1: On May 2, 2022, defendant REYES bought a  
12 Ruger, model LCP MAX, .380 auto caliber semi-automatic pistol,  
13 bearing serial number 381359008 ("Ruger 1") from an FFL in Las Vegas,  
14 Nevada ("Firearm Retailer #1").

15 Overt Act No. 2: On May 2, 2022, defendant REYES executed and  
16 submitted to Firearm Retailer #1 a Form 4473, which falsely stated  
17 that she was the actual buyer of the Ruger 1 when, in fact, as  
18 defendant REYES then knew, the Ruger 1 was purchased for defendant  
19 JOHNSON.

20 Overt Act No. 3: On May 2, 2022, defendant REYES bought a  
21 Taurus, model GX4, 9mm caliber semi-automatic pistol, bearing serial  
22 number 1GA67637 ("Taurus") from Firearm Retailer #1.

23 Overt Act No. 4: On May 2, 2022, defendant REYES executed and  
24 submitted to Firearm Retailer #1 a Form 4473, which falsely stated  
25 that she was the actual buyer of the Taurus when, in fact, as  
26 defendant REYES then knew, the Taurus was purchased for defendant  
27 JOHNSON.

1        Overt Act No. 5:        On May 2, 2022, defendant JOHNSON travelled  
2 from Los Angeles, California to Las Vegas, Nevada, took possession of  
3 the Ruger 1 and Taurus from defendant REYES, and then transported the  
4 Ruger 1 and Taurus back with him to Los Angeles, California.

5        Overt Act No. 6:        On May 3, 2022, defendant JOHNSON travelled  
6 from Los Angeles, California to Las Vegas, Nevada and accompanied  
7 defendant REYES to an FFL in Las Vegas, Nevada ("Firearm Retailer  
8 #2").

9        Overt Act No. 7:        On May 3, 2022, defendant REYES bought a  
10 Smith & Wesson, model SD9, 9mm Luger caliber semi-automatic pistol,  
11 bearing serial number FDZ0848 ("Smith & Wesson 1"), from Firearm  
12 Retailer #2.

13        Overt Act No. 8:        On May 3, 2022, defendant REYES bought a  
14 Ruger, model AR-556, 556 caliber semi-automatic rifle, bearing serial  
15 number 1852-28163 ("Ruger 2"), from Firearm Retailer #2.

16        Overt Act No. 9:        On May 3, 2022, defendant JOHNSON told a  
17 salesperson at Firearm Retailer #2 to list defendant REYES's name on  
18 Form 4473 as the actual buyer for the firearms purchased from Firearm  
19 Retailer #2.

20        Overt Act No. 10:        On May 3, 2022, defendant REYES executed and  
21 submitted to Firearm Retailer #2 a Form 4473, which falsely stated  
22 that she was the actual buyer of the Smith & Wesson 1 and the Ruger 2  
23 when, in fact, as defendant REYES then knew, the Smith & Wesson 1 and  
24 the Ruger 2 were purchased for defendant JOHNSON.

25        Overt Act No. 11:        On May 3, 2022, defendant REYES bought a  
26 Ruger, model Security 9, 9mm Luger caliber semi-automatic pistol,  
27 bearing serial number 385-71900 ("Ruger 3"), from a retailer firearms  
28 store in Las Vegas, Nevada ("Firearm Retailer #3").

1        Overt Act No. 12:    On May 3, 2022, defendant REYES bought a  
2 Glock, model 43X, 9mm caliber semi-automatic pistol, bearing serial  
3 number BWUY167 ("Glock"), from Firearm Retailer #3.

4        Overt Act No. 13:    On May 3, 2022, defendant REYES bought a  
5 Smith & Wesson, model MP-15, .223 caliber semi-automatic rifle,  
6 bearing serial number TU20032 ("Smith & Wesson 2"), from Firearm  
7 Retailer #3.

8        Overt Act No. 14:    On May 3, 2022, defendant REYES executed and  
9 submitted to Firearm Retailer #3 a Form 4473, which falsely stated  
10 that she was the actual buyer of the Ruger 3, the Glock, and the  
11 Smith & Wesson 2 when, in fact, as defendant REYES then knew, the  
12 Ruger 3, the Glock, and the Smith & Wesson 2 were purchased for  
13 defendant JOHNSON.

14        Overt Act No. 15:    On May 3, 2022, defendant JOHNSON took  
15 possession of the Ruger 2, Ruger 3, Glock, Smith & Wesson 1, and  
16 Smith & Wesson 2 from defendant REYES and then transported the Ruger  
17 2, Ruger 3, Glock, Smith & Wesson 1, and Smith & Wesson 2 back with  
18 him to Los Angeles, California.

19        Overt Act No. 16:    On May 24, 2022, defendant JOHNSON texted  
20 defendant REYES, directing defendant REYES to purchase two Ruger 57  
21 firearms from an FFL in Las Vegas, Nevada, and promising to send her  
22 \$1,500 through the Zelle application for the Ruger 57s.

23        Overt Act No. 17:    On May 25, 2022, defendant REYES attempted  
24 to purchase a Ruger, model 57, 5.7x28 caliber semi-automatic pistol,  
25 bearing serial number 643-69052 ("Ruger 4") and a Ruger, model 57,  
26 5.7x28 caliber semi-automatic pistol, bearing serial number 643-53483  
27 ("Ruger 5") from a retailer firearms store in Las Vegas, Nevada  
28 ("Firearm Retailer #4")

1        Overt Act No. 18:    On May 25, 2022, defendant REYES executed  
2 and submitted to Firearm Retailer #4 a Form 4473, which falsely  
3 stated that she was the actual buyer of the Ruger 4 and Ruger 5 when,  
4 in fact, as defendant REYES then knew, the Ruger 4 and Ruger 5 were  
5 purchased for defendant JOHNSON.

## COUNT TWO

[18 U.S.C. § 922(a)(1)(A)]

[DEFENDANT JOHNSON]

Beginning on or before May 2, 2022, and continuing through on or about June 3, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," not being licensed as an importer, manufacturer, or dealer in firearms, willfully engaged in the business of dealing in firearms, specifically, the sales and attempted sales of the following firearms, on or about the following dates:

Date	Firearm(s)
05/02/2022	A Taurus, model GX4, 9mm caliber semi-automatic pistol, bearing serial number 1GA67637;  A Ruger, model LCP MAX, .380 auto caliber semi-automatic pistol, bearing serial number 381359008; and  A Glock, model 26Gen5, 9mm caliber pistol, bearing serial number AFSF627.
05/04/2022	A Ruger, model AR-556, 5.56 caliber semi-automatic rifle, bearing serial number 1852-28163;  A Ruger, model Security 9, 9mm Luger caliber semi-automatic pistol, bearing serial number 385-71900;  A Glock, model 43X, 9mm caliber semi-automatic pistol, bearing serial number BWUY167;  A Smith & Wesson, model SD9, 9mm Luger caliber semi-automatic pistol, bearing serial number FDZ0848; and  A Smith & Wesson, model MP-15, .223 caliber semi-automatic rifle, bearing serial number TU20032.

Date	Firearm(s)
05/10/2022	<p data-bbox="500 233 1365 300">A Glock, model 43, 9mm caliber semi-automatic pistol, bearing serial number AFDA303;</p> <p data-bbox="500 338 1398 405">A Taurus, model G3, 9mm caliber pistol, bearing serial number ACK450889;</p> <p data-bbox="500 443 1458 552">An ABC Rifle Company, model ABC-15, multi-caliber semi-automatic pistol, bearing serial number ABCR-10445;</p> <p data-bbox="500 590 1377 657">A Taurus, model 856, .38 SPL caliber revolver, bearing serial number ADB931191;</p> <p data-bbox="500 695 1442 804">An AR-style, .223/5.56 caliber pistol, bearing no serial number (commonly referred to a "ghost gun"); and</p> <p data-bbox="500 842 1398 909">An AR-style, ghost gun, .223/5.56 caliber short barrel rifle.</p>
05/18/2022	<p data-bbox="500 953 1458 1020">A Ruger, model 5.7, 5.7 x 28 caliber semi-automatic pistol, bearing serial number 643-78051;</p> <p data-bbox="500 1058 1365 1125">A Glock, model 19, 9mm caliber semi-automatic pistol, bearing serial number AAKS362;</p> <p data-bbox="500 1163 1458 1230">A Sig Sauer, model P226, 9mm Para caliber semi-automatic pistol, bearing serial number UU 655828;</p> <p data-bbox="500 1268 1442 1377">A Taurus, model PT 145 PRO, .45 ACP caliber semi-automatic pistol, with an obliterated serial number;</p> <p data-bbox="500 1415 1398 1482">A Taurus, model G2C, 9mm caliber semi-automatic pistol, bearing serial number 1C072677;</p> <p data-bbox="500 1520 1458 1629">A Smith &amp; Wesson, model Airweight, .38 S&amp;W SPL + P caliber revolver, bearing serial number CTW8972; and</p> <p data-bbox="500 1667 1422 1734">A Canik, model TB9SF, 9mm caliber semi-automatic pistol, bearing serial number T6472-20-AT 15603.</p>



Date	Firearm(s)
05/19/2022	A Huglu, model RZ17 Tactical Silver Eagle, 12-gauge shotgun, bearing serial number 39-H21PT-8570;  Two AR-style, ghost gun, .223 caliber pistols;  An AR-style, ghost gun, .223 caliber rifle; and  An AR-style, ghost gun, .223 caliber short barrel rifle.
06/03/2022	A Sun City Machinery Co., model .320, 12-gauge shotgun, bearing serial number 153491R;  A Smith & Wesson, model MP9 Shield, 9mm caliber semi-automatic pistol, bearing serial number HVY7240;  An AR-style, ghost gun, .223 caliber pistol; and  A Glock-style, ghost gun, 9mm caliber pistol.

COUNT THREE

[18 U.S.C. § 922(g)(1)]

[DEFENDANT JOHNSON]

On or about May 2, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed firearms, namely, a Taurus, model GX4, 9mm caliber semi-automatic pistol, bearing serial number 1GA67637, and a Ruger, model LCP MAX, .380 auto caliber semi-automatic pistol, bearing serial number 381359008, in and affecting interstate and foreign commerce.

Defendant JOHNSON possessed such firearms knowing that he had previously been convicted of at least one of the following felony crimes, each punishable by a term of imprisonment exceeding one year:

1. Carrying a Loaded Firearm, in violation of California Penal Code Section 12031(a)(1), in the Superior Court for the State of California, County of Los Angeles, Case Number TA125613, on or about February 11, 2009; and

2. Sales of Cocaine Base, in violation of California Health and Safety Code Section 11352, in the Superior Court for the State of California, County of Los Angeles, Case Number YA072253, on or about February 26, 2013.

COUNT FOUR

[18 U.S.C. § 922(g)(1)]

[DEFENDANT JOHNSON]

On or about May 4, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed the following firearms, in and affecting interstate and foreign commerce:

1. a Ruger, model AR-556, .556 caliber semi-automatic rifle, bearing serial number 1852-28163;

2. a Ruger, model Security 9, 9mm Luger caliber semi-automatic pistol, bearing serial number 385-71900;

3. a Glock, model 43X, 9mm caliber semi-automatic pistol, bearing serial number BWUY167;

4. a Smith & Wesson, model SD9, 9mm Luger caliber semi-automatic pistol, bearing serial number FDZ0848; and

5. a Smith & Wesson, model MP-15, .223 caliber semi-automatic rifle, bearing serial number TU20032.

Defendant JOHNSON possessed such firearms knowing that he had previously been convicted of at least one of the following felony crimes, each punishable by a term of imprisonment exceeding one year:

1. Carrying a Loaded Firearm, in violation of California Penal Code Section 12031(a)(1), in the Superior Court for the State of California, County of Los Angeles, Case Number TA125613, on or about February 11, 2009; and

2. Sales of Cocaine Base, in violation of California Health and Safety Code Section 11352, in the Superior Court for the State of California, County of Los Angeles, Case Number YA072253, on or about February 26, 2013.

COUNT FIVE

[18 U.S.C. § 922(g)(1)]

[DEFENDANT JOHNSON]

On or about May 10, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed the following firearms and ammunition, in and affecting interstate and foreign commerce:

1. a Glock, model 43, 9mm caliber semi-automatic pistol, bearing serial number AFDA303;

2. a Taurus, model G3, 9mm caliber pistol, bearing serial number ACK450889;

3. an ABC Rifle Company, model ABC-15, multi-caliber semi-automatic pistol, bearing serial number ABCR-10445;

4. a Taurus, model 856, .38 SPL caliber revolver, bearing serial number ADB931191; and

5. approximately 300 rounds of SAR 5.56x45 caliber ammunition.

Defendant JOHNSON possessed such firearms and ammunition knowing that he had previously been convicted of at least one of the following felony crimes, each punishable by a term of imprisonment exceeding one year:

1. Carrying a Loaded Firearm, in violation of California Penal Code Section 12031(a)(1), in the Superior Court for the State of California, County of Los Angeles, Case Number TA125613, on or about February 11, 2009; and

2. Sales of Cocaine Base, in violation of California Health and Safety Code Section 11352, in the Superior Court for the State of California, County of Los Angeles, Case Number YA072253, on or about February 26, 2013.

COUNT SIX

[26 U.S.C. § 5861(d)]

[DEFENDANT JOHNSON]

On or about May 10, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed a firearm, namely, an AR-style, .223/5.56 caliber rifle, with an unknown manufacturer, bearing no serial number (commonly referred to as a "ghost gun"), with a barrel of less than 16 inches in length, which defendant JOHNSON knew to be a firearm and a short-barreled rifle, as defined in Title 26, United States Code, Sections 5845(a)(3) and 5845(c), and which had not been registered to defendant JOHNSON in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Chapter 53.

COUNT SEVEN

[18 U.S.C. § 922(o)]

[DEFENDANT JOHNSON]

On or about May 10, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed a machinegun, as defined in Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b), that defendant JOHNSON knew to be a machinegun, namely, an AR-style, .223/5.56 caliber pistol, bearing no serial number (commonly referred to a "ghost gun") with a machinegun conversion device that was designed and intended solely and exclusively for use in converting a weapon into a machinegun.

COUNT EIGHT

[18 U.S.C. § 922(g) (1)]

[DEFENDANT JOHNSON]

On or about May 18, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed the following firearms and ammunition, in and affecting interstate and foreign commerce:

1. a Ruger, model 5.7, 5.7 x 28 caliber semi-automatic pistol, bearing serial number 643-78051;

2. a Glock, model 19, 9mm caliber semi-automatic pistol, bearing serial number AAKS362;

3. a Sig Sauer, model P226, 9mm Para caliber semi-automatic pistol, bearing serial number UU 655828;

4. a Taurus, model PT 145 PRO, .45 ACP caliber semi-automatic pistol, bearing no serial number;

5. a Taurus, model G2C, 9mm caliber semi-automatic pistol, bearing serial number 1C072677;

6. a Smith & Wesson, model Airweight, .38 S&W SPL + P caliber revolver, bearing serial number CTW8972;

7. a Canik, model TB9SF, 9mm caliber semi-automatic pistol, bearing serial number T6472-20-AT 15603; and

8. approximately 50 rounds of Fabrique Nationale Belgium, 5.7 x 28 caliber ammunition.

Defendant JOHNSON possessed such firearms and ammunition knowing that he had previously been convicted of at least one of the following felony crimes, each punishable by a term of imprisonment exceeding one year:

1           1.     Carrying a Loaded Firearm, in violation of California Penal  
2 Code Section 12031(a)(1), in the Superior Court for the State of  
3 California, County of Los Angeles, Case Number TA125613, on or about  
4 February 11, 2009; and

5           2.     Sales of Cocaine Base, in violation of California Health  
6 and Safety Code Section 11352, in the Superior Court for the State of  
7 California, County of Los Angeles, Case Number YA072253, on or about  
8 February 26, 2013.



COUNT NINE

[18 U.S.C. § 922(g)(1)]

[DEFENDANT JOHNSON]

On or about May 19, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed a firearm, namely, a Huglu, model RZ17 Tactical Silver Eagle, 12-gauge shotgun, bearing serial number 39-H21PT-8570, in and affecting interstate and foreign commerce.

Defendant JOHNSON possessed such firearm knowing that he had previously been convicted of at least one of the following felony crimes, each punishable by a term of imprisonment exceeding one year:

1. Carrying a Loaded Firearm, in violation of California Penal Code Section 12031(a)(1), in the Superior Court for the State of California, County of Los Angeles, Case Number TA125613, on or about February 11, 2009; and

2. Sales of Cocaine Base, in violation of California Health and Safety Code Section 11352, in the Superior Court for the State of California, County of Los Angeles, Case Number YA072253, on or about February 26, 2013.

COUNT TEN

[26 U.S.C. § 5861(d)]

[DEFENDANT JOHNSON]

On or about May 19, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed a firearm, namely, an AR-style, .223 caliber rifle, with an unknown manufacturer, bearing no serial number (commonly referred to as a "ghost gun"), with a barrel of less than 16 inches in length, which defendant JOHNSON knew to be a firearm and a short-barreled rifle, as defined in Title 26, United States Code, Sections 5845(a)(3) and 5845(c), and which had not been registered to defendant JOHNSON in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Chapter 53.

COUNT ELEVEN

[18 U.S.C. § 922(o)]

[DEFENDANT JOHNSON]

On or about May 19, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed two machineguns, as defined in Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b), that defendant JOHNSON knew to be machineguns, namely, two AR-style, .223 caliber pistols, bearing no serial number (commonly referred to as "ghost guns") each with an AR-style, model 15, machinegun conversion devices that were designed and intended solely and exclusively for use in converting weapons into machineguns.

COUNT TWELVE

[18 U.S.C. § 922(g)(1)]

[DEFENDANT JOHNSON]

On or about June 3, 2022, in Los Angeles County, within the Central District of California, defendant MATTHEW JOHNSON, also known as "East," knowingly possessed firearms, namely, a Sun City Machinery Co., model .320, 12-gauge shotgun, bearing serial number 153491R, and a Smith & Wesson, model MP9 Shield, 9mm caliber semi-automatic pistol, bearing serial number HVY7240, in and affecting interstate and foreign commerce.

Defendant JOHNSON possessed such firearms knowing that he had previously been convicted of at least one of the following felony crimes, each punishable by a term of imprisonment exceeding one year:

1. Carrying a Loaded Firearm, in violation of California Penal Code Section 12031(a)(1), in the Superior Court for the State of California, County of Los Angeles, Case Number TA125613, on or about February 11, 2009; and

2. Sales of Cocaine Base, in violation of California Health and Safety Code Section 11352, in the Superior Court for the State of California, County of Los Angeles, Case Number YA072253, on or about February 26, 2013.

FORFEITURE ALLEGATION ONE

[18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), in the event of a defendant's conviction of the offenses set forth in any of Counts Three, Four, Five, Eight, Nine, and Twelve of this Indictment.

2. A defendant, if so convicted, shall forfeit to the United States of America the following:

(a) All right, title, and interest in any firearm or ammunition involved in or used in any such offense; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), a defendant shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of the defendant, the property described in the preceding paragraph or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty.

FORFEITURE ALLEGATION TWO

[18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), in the event of any defendant's conviction of the offense set forth in Count Two of this Indictment.

2. A defendant, if so convicted, shall forfeit to the United States of America the following:

(a) All right, title, and interest in any firearm or ammunition involved in or used in such offense; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), the defendant, if so convicted, shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of the defendant, the property described in the preceding paragraph or any portion thereof

(a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has

//

//

1 been placed beyond the jurisdiction of the court; (d) has been  
2 substantially diminished in value; or (e) has been commingled with  
3 other property that cannot be divided without difficulty.

4  
5 A TRUE BILL

6  
7 /S/

8  
9 Foreperson

9 TRACY L. WILKISON  
10 United States Attorney

11 

12 SCOTT M. GARRINGER  
13 Assistant United States Attorney  
Chief, Criminal Division

14 DAVID T. RYAN  
15 Assistant United States Attorney  
Deputy Chief, General Crimes  
Section

16 VARUN BEHL  
17 Assistant United States Attorney  
General Crimes Section